

Federal Operating Permit
Article 1

This permit is based upon the requirements of Title V of the Federal Clean Air Act and Chapter 80, Article 1 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name: James River Cogeneration Company
Facility Name: James River Cogeneration Company
Facility Location: 912 East Randolph Road
Hopewell, Virginia

Registration Number: 50950
Permit Number: PRO-50950

March 21, 2006
Effective Date

March 21, 2011
Expiration Date

Director, Department of Environmental Quality

Signature Date

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I. Facility Information

Permittee/Facility

James River Cogeneration Company
912 East Randolph Road
Hopewell, Virginia 23860

Responsible Official

Mr. Mike Williams
Plant Manager

Contact Person

Ms. Charlene Tuck
Compliance Supervisor
(804) 541-4001

County-Plant Identification Number: 670-0055

Facility Description: NAICS 221112 and SIC Code 4911 – James River Cogeneration Facility is a cogeneration plant that produces electricity for sale to Virginia Power and processes steam for sale to a host industry. The facility consists of 6 Foster-Wheeler stoker boilers rated at 200 million BTU per hour heat input each. The combined exhaust of 3 boilers exits each of the two stacks. The primary fuel for the plant is coal. E-Fuel may also be combusted, and two boilers may burn a limited amount of distillation residue and used oil. In addition to the boilers, the facility has associated ash and coal handling systems.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Emission Unit Description/construction date	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Stack ID	Pollutant Controlled	Applicable Permit Date
Fuel Burning Equipment							
1A	Foster-Wheeler stoker boiler/1986	175,000 lbs steam/hr 200 MMBtu/hr	Fabric filter baghouse: Wheelabrator-Frye MDL 168 Series 6P with a control efficiency of 99.1%	1A	001	PM	6/20/2000
1B	Foster-Wheeler stoker boiler/1986	175,000 lbs steam/hr 200 MMBtu/hr	Fabric filter baghouse: Wheelabrator-Frye MDL 168 Series 6P with a control efficiency of 99.1%	1B	001	PM	6/20/2000
1C	Foster-Wheeler stoker boiler/1986	175,000 lbs steam/hr 200 MMBtu/hr	Fabric filter baghouse: Wheelabrator-Frye MDL 168 Series 6P with a control efficiency of 99.1%	1C	001	PM	6/20/2000
2A	Foster-Wheeler stoker boiler/1986	175,000 lbs steam/hr 200 MMBtu/hr	Fabric filter baghouse: Wheelabrator-Frye MDL 168 Series 6P with a control efficiency of 99.1%	2A	002	PM	6/20/2000
2B	Foster-Wheeler stoker boiler/1986	175,000 lbs steam/hr 200 MMBtu/hr	Fabric filter baghouse: Wheelabrator-Frye MDL 168 Series 6P with a control efficiency of 99.1%	2B	002	PM	6/20/2000
2C	Foster-Wheeler stoker boiler/1986	175,000 lbs steam/hr 200 MMBtu/hr	Fabric filter baghouse: Wheelabrator-Frye MDL 168 Series 6P with a control efficiency of 99.1%	2C	002	PM	6/20/2000
Solid Fuel Handling							
FS3	Solid fuel unloading and stock out: unloading hopper, covered conveyor, stock out tube	600 tons solid fuel/hour	Water spray/wet dust suppression	3	Fugitive	PM	6/20/2000
1-2A	Boiler 1A solid fuel storage bunker	270 tons solid fuel/hour	Fabric filter baghouse: Dalamatc DLMV15 with a control efficiency of 99.1%	1-2A	1-2A	PM	6/20/2000
1-2B	Boiler 1B solid fuel storage bunker	270 tons solid fuel/hour	Fabric filter baghouse: Dalamatc DLMV15 with a control efficiency of 99.1%	1-2B	1-2B	PM	6/20/2000
1-2C	Boiler 1C solid fuel storage bunker	270 tons solid fuel/hour	Fabric filter baghouse: Dalamatc DLMV15 with a control efficiency of 99.1%	1-2C	1-2C	PM	6/20/2000

Emission Unit ID	Emission Unit Description/construction date	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Stack ID	Pollutant Controlled	Applicable Permit Date
2-2A	Boiler 2A solid fuel storage bunker	270 tons solid fuel/hour	Fabric filter baghouse: Dalamatc DLMV15 with a control efficiency of 99.1%	2-2A	2-2A	PM	6/20/2000
2-2B	Boiler 2B solid fuel storage bunker	270 tons solid fuel/hour	Fabric filter baghouse: Dalamatc DLMV15 with a control efficiency of 99.1%	2-2B	2-2B	PM	6/20/2000
2-2C	Boiler 2C solid fuel storage bunker	270 tons solid fuel/hour	Fabric filter baghouse: Dalamatc DLMV15 with a control efficiency of 99.1%	2-2C	2-2C	PM	6/20/2000
Unit 1 Ash System (total system rating of 4 tons of ash/hour)							
1-3	Storage Silo		Bagfilter: A-S-H Bagvent with a control efficiency of 99%	1-3A	1-3A	PM	6/20/2000
1-3	Vacuum pump		Filter: In line cartridge filter with a control efficiency of 99% Cyclone: A-S-H Co. T-42 primary collector with a control efficiency of 85% Bag filter: A-S-H Co. T-42 w/Micropulsair Mdl 42-8-18" Hg with a control efficiency of 99%	1-3B 1-3E 1-3F	1-3B	PM	6/20/2000
1-3	Vacuum pump		Filter: In line cartridge filter with a control efficiency of 99% Cyclone: A-S-H Co. T-42 primary collector with a control efficiency of 85% Bag filter: A-S-H Co. T-42 w/Micropulsair Mdl 42-8-18" Hg with a control efficiency of 99%	1-3C 1-3E 1-3F	1-3C	PM	6/20/2000
1-3	Wet unloader		Pugmill: A-S-H C-40 pugmill with a control efficiency of 85%	1-3D	1-3D	PM	6/20/2000
Unit 2 Ash System (total system rating of 4 tons of ash/hour)							
2-3	Storage Silo		Bagfilter: A-S-H Bagvent with a control efficiency of 99%	2-3A	2-3A	PM	6/20/2000

Emission Unit ID	Emission Unit Description/construction date	Size/Rated Capacity	Pollution Control Device Description (PCD)	PCD ID	Stack ID	Pollutant Controlled	Applicable Permit Date
2-3	Vacuum pump		Filter: In line cartridge filter with a control efficiency of 99% Cyclone: A-S-H Co. T-42 primary collector with a control efficiency of 85% Bag filter: A-S-H Co. T-42 w/Micropulsair Mdl 42-8-18" Hg with a control efficiency of 99%	2-3B 2-3E 2-3F	2-3B	PM	6/20/2000
2-3	Vacuum pump		Filter: In line cartridge filter with a control efficiency of 99% Cyclone: A-S-H Co. T-42 primary collector with a control efficiency of 85% Bag filter: A-S-H Co. T-42 w/Micropulsair Mdl 42-8-18" Hg with a control efficiency of 99%	2-3C 2-3E 2-3F	2-3C	PM	6/20/2000
2-3	Wet unloader		Pugmill: A-S-H C-40 pugmill with a control efficiency of 85%	2-3D	2-3D	PM	6/20/2000

*The Size/Rated capacity is provided for informational purposes only, and is not an applicable requirement.

III. Fuel Burning Equipment Requirements – (Unit Reference Numbers 1A, 1B, 1C, 2A, 2B, and 2C)

A. Limitations

1. Particulate emissions from each of the six Foster Wheeler boilers (units 1A, 1B, 1C, 2A, 2B, and 2C) shall be controlled by a baghouse. Each baghouse shall be provided with adequate access for inspection and shall be in operation when the respective boiler is operating.
(9 VAC 5-50-280 and Condition 3 of 7/30/02 permit)
2. NO_x emissions from each of the six Foster Wheeler boilers (units 1A, 1B 1C, 2A, 2B, and 2C) shall be controlled by flue gas recirculation (FGR) and methane reburn as necessary to meet the requirements of the federal and/or state implementation plan for the NO_x emissions cap and trade program. Each FGR and methane reburn system shall be provided with adequate access for inspections.
(9 VAC 5-170-160, 9 VAC 5-50-20 E, and Condition 9 of 7/30/02 permit)
3. CO emissions from each of the six Foster Wheeler boilers (units 1A, 1B 1C, 2A, 2B, and 2C) shall be controlled by good operation and maintenance practices as well as good combustion practices.
(9 VAC 5-50-20 E and Condition 10 of 7/30/02 permit)
4. The permittee shall develop and submit a plan for minimizing CO emissions and any other emission increases that may result from the use of FGR and methane reburn. The plan shall establish good operating practices and shall include requirements to demonstrate compliance with Conditions 22 and 24 j of the July 30, 2002 New Source Review Permit. The plan shall be submitted to the Director, Piedmont Region for approval within 60 days after commercial operation of any retrofitted unit. This permit may be reopened to incorporate the requirements of the plan. The approved plan shall be an enforceable part of the permit. The plan may be changed or reopened without reissuance of a permit. The Director, Piedmont Region shall approve all plan changes.
(9 VAC 5-20-180, 9 VAC 5-50-20 E, and Condition 11 of 7/30/02 permit)
5. The approved fuels for the Foster Wheeler boilers are bituminous coal and E-Fuel (units 1A, 1B, 1C, 2A, 2B, and 2C). Units 1C and 2C may also burn distillation residue and used oil. A change in the fuel may require a permit to modify and operate.
(9 VAC 5-80-20, 9 VAC 5-50-280, and Condition 12 of 7/30/02 permit)
6. The average sulfur and ash content of the coal to be burned in the boilers shall not exceed 0.95 percent and 11.0 percent by weight, respectively, per shipment. James River Cogeneration Company shall maintain records of all coal shipments purchased, indicating sulfur and ash content per shipment. These records shall be available for inspection by the board. These records shall be kept on file for period of at least two years.
(9 VAC 5-80-20 and Condition 14 of 7/30/02 permit)
7. The average sulfur content of the E-Fuel to be burned in the boilers shall not exceed 0.73 percent by weight annually. The annual average sulfur content shall be calculated as the average sulfur content by weight for all E-Fuel burned during the previous 12 month period. James River Cogeneration Company shall maintain records of all E-Fuel shipments purchased, indicating sulfur content, and shall recalculate the average annual sulfur content of the E-Fuel monthly. These records shall be available for inspection by the board. These records shall be kept on file for a period of at least two years.

(9 VAC 5-80-20 and Condition 15 of 7/30/02 permit)

8. The combined solid fuel throughput to boilers 1A, 1B, 1C, 2A, 2B, and 2C shall not exceed 430,992 tons of solid fuel (coal and E-Fuel) annually. The combined production residue and the combined used oil consumed annually by boilers 1C and 2C shall not exceed 1,500,000 gallons and 25,000 gallons, respectively. Combined annual throughputs shall be calculated monthly as the sum of each consecutive 12 month period.
(9 VAC 5-50-280 and Condition 13 of 7/30/02 permit)

9. While burning distillation residue or used oil, the NO_x emission limitation for boilers 1C and 2C shall be determined by the following equation:

$$En = \frac{[(ELro * Hro) + (ELc * Hc)]}{(Hgo + Hro + Hc)}$$

Where: *En* is the nitrogen oxides emission limit in lbs/MMBtu
ELro is 0.4 lbs NO_x/MMBtu
Hro is the heat input from combustion of residual oil and/or liquid byproduct/waste
ELc is 0.6 lbs NO_x/MMBtu
Hc is the heat input from combustion of solid fuel

10. Byproduct/waste means any liquid or gaseous substance produced at chemical manufacturing plants and combusted in a steam generating unit for heat recovery or for disposal.
(9 VAC 5-50-410 and 40 CFR 60.44b(e))
11. Emissions from the operation of the six Foster Wheeler boilers (units 1A, 1B, 1C, 2A, 2B, and 2C) shall not exceed the limits specified below:

Table III.A.1 Emission Limitations for Each Boiler, Unit Reference Numbers 1A, 1B, 1C, 2A, 2B, 2C					
Pollutant	lbs/MMBtu	lbs/hr per stack	tons/yr per stack	Applicable Requirement	Reference Method
NO _x (coal firing)	0.6	360.0	1,576.8	9 VAC 5-50-280 Condition 16 of 7/30/2002 permit 40 CFR 60.44b(a)	40 CFR 60.46b(e)(1)
SO ₂	1.52	912.0	3,995.0	9 VAC 5-50-280 Condition 16 of 7/30/2002 permit	40 CFR 60 Appendix A Method 6C
PM	0.03	18.0	79.0	9 VAC 5-50-280 Condition 16 of 7/30/2002 permit 40 CFR 60.43b(a)(1)	40 CFR 60 Appendix A Method 5
CO	0.6	360.0	1,576.8	9 VAC 5-50-280 Condition 16 of 7/30/2002 permit	40 CFR 60 Appendix A Method 10
VOC	0.003	2.1	9.0	9 VAC 5-50-280 Condition 16 of 7/30/2002 permit	40 CFR 60 Appendix A Methods 18 and 25A

(9 VAC 5-80-110, 9 VAC 5-50-280, 40 CFR 60.44b(a), 40 CFR 60.43b(a)(1), and Condition 16 of 7/30/02 permit)

12. NO_x Emissions, from May 1 to September 30 (inclusive) for all years after 2004, except as provided in Condition 21 of the July 30, 2002 permit, shall not exceed the allocations established in the NO_x federal or state implementation plan. The permittee shall determine the actual NO_x emissions released from the facility from May 1 to September 30 of each calendar year. NO_x emissions shall be determined by continuous emission monitors,

operated in accordance with the provisions of 40 CFR 60 and 40 CFR 75. The permittee shall provide the calculated NO_x emissions and any supporting data that the Director, Piedmont Region requests. All information shall be submitted with the annual emission statements in order that the Director, Piedmont Region may verify that the federal or state implementation plan limits are being met. This permit may be reopened to include the actual federal and/or state implementation plan requirements.

(9 VAC 5-170-160, 9 VAC 5-50-20, 9 VAC 5-50-40, and Condition 20 of 7/30/02 permit)

13. NO_x emissions may exceed the allowable allocations established in the NO_x federal or state implementation plan and Condition 20 of the July 30, 2002 permit as allowed in the emissions trading portions of the federal and/or state implementation plan.

(9 VAC 5-170-160, 9 VAC 5-50-20, and Condition 21 of 7/30/02 permit)

14. The NO_x emission limitations expressed in lbs/MMBtu that are listed in Table III.A.1 and Condition III.A.11 of this permit apply at all times including periods of startup, shutdown, or malfunction. The particulate emission limitation listed in Table III.A.1 applies at all times except during periods of startup, shutdown, or malfunction. The opacity limitation listed in Condition III.A.16 of this permit applies at all times except during periods of startup, shutdown, or malfunction.

(9 VAC 5-50-410, 40 CFR 60.43b(g), and 40 CFR 60.44b(i))

15. Compliance with the NO_x emission limitations expressed in lbs/MMBtu and located in Table III.A.1 and Condition III.A.11 of this permit shall be determined on a 30 day rolling average basis. NO_x excess emissions are defined as any calculated 30 day rolling average NO_x emission rate that exceeds the limitations in Table III.A.1 and Condition III.A.11 of this permit.

(9 VAC 5-50-410, 40 CFR 60.44b(i), and 40 CFR 60.49b(h)(4))

16. Boilers 1A, 1B, 1C, 2A, 2B, and 2C shall not exhibit opacity greater than 20% (6 minute average) except for one 6 minute period per hour of not more than 27% opacity. This standard applies at all times except during periods of startup, shutdown, or malfunction. Excess emissions of opacity are defined as all 6 minute periods during which the average opacity exceeds the standard.

(9 VAC 5-50-410, 40 CFR 60.43b(f), 40 CFR 60.43b(g), and 40 CFR 60.49b(h)(3))

17. The FGR and methane reburn systems, as well as each Foster Wheeler boiler (units 1A, 1B, 1C, 2A, 2B, and 2C), shall be operated and maintained in a manner consistent with good air pollution control practices for minimizing emissions.

(9 VAC 5-20-180, 9 VAC 5-40-20E, 9 VAC 5-50-20E, and Condition 22 of 7/30/02 permit)

18. Boilers 1A, 1B, 1C, 2A, 2B, and 2C shall be operated in accordance with 40 CFR 60 Subpart Db.

(9 VAC 5-50-410 and 40 CFR 60.40b)

B. Monitoring

The following conditions, 2-5, 8, 12, and 13, have been included in this Title V permit to implement the requirements of the CAM regulations (40 CFR 64).

1. Continuous Emission Monitoring Systems, meeting the design specifications of 40 CFR Part 60, Appendix B, Performance Specifications 2 and 3, shall be installed to measure and record the emissions of nitrogen oxides from boilers 1A, 1B, 1C, 2A, 2B, and 2C as lbs/million Btu. The CEMS shall be installed, calibrated, maintained, audited and operated in accordance with the requirements of 40 CFR 60.13, 40 CFR 60 Subpart Db, and Appendices B and F. Data shall be reduced to units of lbs/million Btu.

(9 VAC 5-50-40, 9 VAC 5-50-410, 40 CFR 60.13(a), 9 VAC 5-50-100, and Condition 25 of 7/30/02 permit)

2. Continuous Opacity Monitoring Systems, meeting the design specifications of 40 CFR Part 60, Appendix B, Performance Specification 1, shall be installed to measure and record the opacity of emissions from boilers 1A, 1B, 1C, 2A, 2B, and 2C. The COMS shall be installed, calibrated, maintained and operated in accordance with the requirements of 40 CFR 60.13, 40 CFR 60 Subpart Db and Appendix B. Data shall be reduced to six minute averages.
(9 VAC 5-50-40, 9 VAC 5-50-410, 9 VAC 5-50-100, and Condition 26 of 7/30/02 permit)
3. A CEMS/COMS quality control program that meets the requirements of 40 CFR 60.13 and Appendices B and F shall be implemented for all continuous monitoring systems.
(9 VAC 5-50-40, 9 VAC 5-50-410, 40 CFR 60.13(a), 9 VAC 5-50-100, and Condition 27 of 7/30/02 permit)
4. All continuous emission monitoring systems shall be subject to the provisions of 40 CFR 60 Appendix B and 40 CFR 60 Appendix F.
(9 VAC 5-50-410, 40 CFR 60.13(a), and 9 VAC 5-50-100)
5. All continuous monitoring systems shall be installed such that measurements are representative of emissions. The permittee shall use procedures for locating these systems in the applicable Performance Specification of 40 CFR 60 Appendix B.
(9 VAC 5-50-410, 40 CFR 60.13(f), and 9 VAC 5-50-100)
6. The permittee shall check the zero (or low level value between 0 and 20% of span value) and span (50 to 100% of span value) calibration drifts at least once daily in accordance with a written procedure. The zero and span shall, as a minimum, be adjusted whenever the 24 hour zero drift or 24 hour span drift exceeds two times the limits of the applicable performance specification in 40 CFR 60 Appendix B. The systems shall allow the amount of excess zero and span drift measured at the 24 hour interval checks to be recorded and quantified. For continuous monitoring systems measuring opacity, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero and span drift adjustments except for systems using automatic zero adjustments. The optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds 4% opacity. For opacity measurements, minimum procedures shall include a method for producing a simulated zero opacity condition and upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photo detector assembly.
(9 VAC 5-50-410, 40 CFR 60.13(d), and 9 VAC 5-50-100)
7. The span value for continuous monitoring systems for measuring opacity shall be between 60 and 80%. The span value for NO_x monitoring systems shall be calculated as stated in 40 CFR 60.48b(e) or adjusted as required by 40 CFR 75, Appendix A, Sections 2.1.2.1 and 2.1.2.3, whichever value is lower.
(9 VAC 5-50-410, 40 CFR 60.48b(e), 9 VAC 5-50-100, and 40 CFR 60.48b(b))
8. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments, all continuous emission monitoring systems and continuous opacity monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:
 - a. For opacity, each system shall complete a minimum of one cycle of sampling and analyzing for each successive 10 second period and one cycle of data recording for each

successive 6 minute period. This cycle of sampling, analyzing, and recording shall be considered a data point for opacity monitoring systems.

- b. All continuous monitoring systems except opacity shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15 minute period. This cycle of sampling, analyzing, and recording shall be considered a data point for all monitoring systems other than opacity.

For opacity, each system shall reduce all data to 6 minute averages. For NO_x, each system shall reduce all data to 1 hour averages. The 6 minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6 minute period. For NO_x, at least 2 data points shall be used to calculate each 1 hour average, and the 1 hour average shall be expressed in lbs/million Btu heat input. These average hourly emission rates shall be used to calculate the average emission rates.

(9 VAC 5-50-410, 40 CFR 60.13(e), 40 CFR 60.13(h), 40 CFR 60.48b(d), and 9 VAC 5-50-100)

9. The NO_x continuous emission monitoring systems shall be operated and data recorded during all periods of operation of the boilers except for continuous monitoring system breakdowns and repairs. Data shall be recorded during calibration checks, and zero and span adjustments.

(9 VAC 5-50-410, 40 CFR 60.48b(c), and 9 VAC 5-50-100)

10. The permittee shall determine compliance with the NO_x standards expressed in lbs/MMBtu and located in Table III.A.1 and Condition III.A.11 on a continuous basis through the use of a 30 day rolling average emission rate. A new 30 day rolling average emission rate shall be calculated each steam generating unit operating day as the average of all hourly nitrogen oxides emission data for the preceding 30 steam generating unit operating days. A steam generating unit operating day shall be defined as a 24 hour period between 12:00 midnight and the following midnight during which any fuel is combusted at any time in the steam generating unit. It is not necessary for fuel to be combusted continuously for the entire 24 hour period.

(9 VAC 5-50-410, 40 CFR 60.46b(e)(2), and 9 VAC 5-50-100)

11. When NO_x emissions data are not obtained because of continuous monitoring system breakdowns, repairs, calibration checks, and zero and span adjustments, emission data shall be obtained by using standby monitoring systems, Method 7, Method 7a, or other approved reference methods to provide emission data for a minimum of 75% of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days.

(9 VAC 5-50-410, 40 CFR 60.48b(f), and 9 VAC 5-50-100)

12. The fabric filters controlling the boilers (pollution control devices numbered 1A, 1B, 1C, 2A, 2B, and 2C) shall be equipped with a device to continuously measure the differential pressure drop across the fabric filter. The device shall be installed in an accessible location and shall be maintained and calibrated by the permittee in accordance with the manufacturer's specifications, at a minimum.

(9 VAC 5-50-280 and 9 VAC 5-80-110 B.1.)

13. The differential pressure across each boiler baghouse (pollution control devices numbered 1A, 1B, 1C, 2A, 2B, and 2C) shall be recorded once every 12 hours while the associated boiler is operating under normal operating conditions. The permittee shall record the pressure drop as differential pressure, inches water column. If the pressure drop exceeds 10 inches water column, the following actions shall be taken:

- a. The affected baghouse control panel shall be examined for any faults to ensure the

baghouse pulse cleaning controls are operating properly. The permittee shall initiate a manual cleaning cycle to ensure the pulse cleaning controls are operating properly. The baghouse differential pressure indication shall be verified for accuracy during this time.

- b. After the control panel has been checked for faults and for proper operation, the baghouse differential pressure shall be checked again. If the pressure drop is 10 inches water column or less, no further action shall be required. If the pressure drop is greater than 10 inches water column, the operator shall verify the boiler firing condition, to include even firing, proper excess boiler oxygen, and ash bed thickness.
 - c. If items a and b are completed and the baghouse pressure drop cannot be reduced to 10 inches water column or less at the existing boiler load, the operating level of the affected boiler shall be reduced to a level where the baghouse is operating at 10 inches water column or less. Items a, b, and c shall be carried out within 2 hours of the initial determination of the high baghouse pressure drop.
 - d. If no other action can reduce the differential pressure drop on the baghouse to 10 inches of water column or less, a particulate test using Method 5 shall be scheduled within 7 working days to verify the compliance status of the unit in regards to the particulate standards listed in Table III.A.1 at the higher pressure drop. The Director, Piedmont Regional Office shall be notified of the day and time of the planned test. Until the emissions testing is performed and demonstrates compliance with the particulate emissions standards in Table III.A.1., the affected boiler shall not be operated at a level that results in a baghouse differential pressure greater than 10 inches water column.
 - e. Performance test reports shall be submitted to the Director, Piedmont Regional Office, within 45 days of conducting the testing described in item (d). The reports shall document the baghouse pressure drop during each run of the test.
(9 VAC 5-50-110 B.1.)
14. The permittee shall develop a Quality Improvement Plan (QIP) for the fabric filters if six excursions from the indicator specified in the Compliance Assurance Monitoring (CAM) Plan Fabric Filter for PM Control occur within a six month period, according to 40 CFR § 64.8.
(9 VAC 5-80-110 and 40 CFR § 64.8)

C. Recordkeeping

- 1. The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Piedmont Region. These records shall include, but are not limited to:
 - a. Annual throughput of coal and E-Fuel, calculated monthly as the sum of each consecutive 12 month period.
 - b. Annual throughput of used oil, calculated monthly as the sum of each consecutive 12 month period.
 - c. Annual throughput of production residue, calculated monthly as the sum of each consecutive 12 month period.
 - d. All fuel supplier certifications or other documents showing sulfur and ash content of the coal and showing sulfur content of the E-Fuel.
 - e. Monthly calculations showing average annual sulfur content of the E-Fuel burned.

- f. Operation and control device monitoring records for the baghouses controlling the six Foster Wheeler boilers (pollution control device numbers 1A, 1B, 1C, 2A, 2B, and 2C).
- g. Scheduled and unscheduled maintenance and operator training for the baghouses controlling the six Foster Wheeler boilers (pollution control device numbers 1A, 1B, 1C, 2A, 2B, and 2C).
- h. Results of all stack tests, visible emission evaluations and performance evaluations.
- i. All parameters necessary to demonstrate compliance with Conditions 11 and 22 of the July 30, 2002 New Source Review Permit.
- j. Annual hours of use of the FGR and methane reburn systems on each Foster Wheeler boilers (units 1A, 1B, 1C, 2A, 2B, and 2C).
- k. NO_x emissions from the facility during the time period May 1 to September 30 (inclusive).

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50, 9 VAC 5-80-110 B, and Condition 24 of 7/30/02 permit)

- 2. The permittee shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for coal, E-Fuel, used oil, and distillation residue each calendar quarter. The annual capacity factor shall be determined on a 12 month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.
(9 VAC 5-50-410, 40 CFR 60.49b(d), and 9 VAC 5-50-50)
- 3. The permittee shall maintain records of opacity. The permittee shall also maintain records of the following information for each NO_x monitoring system and for each steam generating unit operating day:
 - a. Calendar date.
 - b. Average hourly NO_x emission rates in lbs/million Btu measured
 - c. 30 day average NO_x emission rates in lbs/million Btu calculated at the end of each steam generating unit operating day from the measured hourly NO_x emission rates for the preceding 30 steam generating unit operating days.
 - d. Identification of days when the calculated 30 day averages of NO_x are in excess of the standard, with reasons for each excess emissions as well as a description of corrective actions taken.
 - e. Identification of days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.
 - f. Identification of time when emissions data have been excluded from the calculation of average emission rates and the reasons for excluding data.
 - g. Identification of the F factor used for calculations, method of determination, and type of fuel combusted.
 - h. Identification of times when pollutant concentrations exceeded full span of the continuous monitoring system.

- i. Description of modifications to continuous emission monitoring systems that could affect the ability of the system to comply with 40 CFR 60, Appendix B, Performance Specification 2 or 3.
 - j. Results of daily continuous emission monitoring systems' drift tests and quarterly accuracy assessments as required under 40 CFR 60, Appendix F, Procedure 1.
(9 VAC 5-50-410, 40 CFR 60.49b(g), and 9 VAC 5-50-50)
4. The permittee shall maintain records of pressure drop across each baghouse controlling boilers 1A, 1B, 1C, 2A, 2B, and 2C. These records will be updated at least once every 12 hours, at a minimum. The permittee shall maintain records of maintenance or corrective actions performed on these baghouses as a result of the pressure drop exceeding 10 inches water column. Any actions taken that are not described Condition III.B.13 shall be noted as such. The permittee shall maintain copies of any testing performed to determine compliance as stated in Condition III.B.13.
(9 VAC 5-80-110, 9 VAC 5-50-280, and 9 VAC 5-50-50)
 5. The permittee shall maintain records of the required training including a statement of time, place and nature training provided. The permittee shall have available good written operating procedures and a maintenance schedule for the boilers, including control equipment. These procedures shall be based on the manufacturer's recommendations, at minimum. All records required by this condition shall be kept on site and made available for inspection by the DEQ.
(9 VAC 5-80-110, 9 VAC 5-50-280, 9 VAC 5-50-260, and 9 VAC 5-50-50)
 6. The permittee shall maintain records of the DEQ approved, pollutant-specific emission factors and the equations used to demonstrate compliance with the VOC, CO, SO₂, and PM₁₀ limitations contained in Table III.A.1 as well as the calculated actual emission rates from boilers 1A, 1B, 1C, 2A, 2B, and 2C. The permittee shall also maintain results of the performance tests required by Condition III.D.2.
(9 VAC 5-80-110)
 7. The permittee shall maintain all records required by Conditions III.C.1 through III.C.6. The format of these records shall be arranged with the Director, Piedmont Region. All records shall be kept on site for a minimum of five years.
(9 VAC 5-50-410 and 9 VAC 5-80-110 F)

D. Testing

1. Upon commencing the use of E-Fuel, initial performance tests shall be conducted for carbon monoxide on at least one Foster Wheeler boiler to determine if burning E-Fuel results in an increase in actual CO emissions when compared to burning coal only. The tests shall be performed, and reported within 180 days after the initial use of E-Fuel. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, Piedmont Region. The permittee shall submit a test protocol at least 30 days prior to testing. One copy of the test results shall be submitted to the Director, Piedmont Region within 45 days after test completion and shall conform to the test report format enclosed with the New Source Review permit dated 7/30/2002.
(9 VAC 5-50-30, 9 VAC 5-80-1200, and 9 VAC 5-50-410)
2. Performance tests shall be conducted for PM₁₀, SO₂, CO, and VOC on one stack, while the three boilers exhausting to that stack are operating at a minimum of 80% of their maximum rated capacity, to determine compliance with the emission limits contained in Table III.A.1.

The tests shall be performed, and demonstrate compliance, no later than 18 months after the initial issuance of this permit. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410 or as listed below in Condition III.D.3. The details of the tests are to be arranged with the Director, Piedmont Region. Test report information shall contain a record of the pressure drop across the fabric filter associated with each boiler being tested for each test run. Test report information shall also contain a record of the sulfur content of the coal being burned during each test run. The permittee shall submit a test protocol at least thirty days prior to testing. Two copies of the test results shall be submitted to the Director, Piedmont Region within 45 days after test completion.

(9 VAC 5-50-30 and 9 VAC 5-80-110)

3. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following methods in accordance with procedures approved by the DEQ as follows:

The following table is only required for those pollutants that have emission limits.

Table III.D.1 Test Methods		
Pollutant	Test Method	Applicable Requirement
VOC	40 CFR 60, Appendix A, EPA Methods 18, 25, 25a, 25b	
NO _x	40 CFR 60, Appendix A, EPA Method 7 or NO _x monitoring system	40 CFR 60.46b(e)(2)
SO ₂	40 CFR 60, Appendix A, EPA Method 6	
CO	40 CFR 60, Appendix A, EPA Method 10	
PM/PM ₁₀	40 CFR 60, Appendix A, EPA Methods 5 and 201	40 CFR 60.46b(d)(2)(i)
Opacity (Visible Emissions)	40 CFR 60, Appendix A, EPA Method 9	40 CFR 60.46b(d)(7)

(9 VAC 5-80-110)

4. After retrofit with the FGR and methane reburn systems, initial performance tests shall be conducted for carbon monoxide on each stack to determine compliance with emission limitations contained in Condition 16 of the July 30, 2002 permit. The tests shall be performed and reported within 180 days after all six Foster Wheeler boilers (units 1A, 1B, 1C, 2A, 2B, and 2C) have been retrofitted with FGR and methane reburn. The three boilers exhausting to each stack shall be operating at a minimum of 80% of maximum rated capacity during these tests. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, Piedmont Region. The permittee shall submit a test protocol at least 30 days prior to testing. One copy of the test results shall be submitted to the Director, Piedmont Region within 45 days after test completion and shall conform to the test report format enclosed with the July 30, 2002 New Source Review permit.

(9 VAC 5-50-30, 9 VAC 5-80-1200, and Condition 30 of 7/30/02 permit)

E. Reporting

1. Along with the annual emissions estimate submitted by the permittee for emissions inventory and fee billing purposes, the permittee shall also furnish data comparing the utilization of the facility for the previous year during which E-Fuel was burned to the utilization rate in the year 1999. If this information shows a significant increase over 1999 utilization rates, the facility

shall provide a detailed explanation for this increase. Any increase in utilization due to the facility's ability to burn E-Fuel may result in enforcement action. This utilization information shall be submitted with the annual emissions estimates until 2005.

(9 VAC 5-170-160 and Condition 32 of 7/30/2002 permit)

2. The permittee shall submit excess emission reports of opacity for any calendar quarter during which there are excess emissions from the affected facility. If there are no excess emissions during the calendar quarter, the permittee shall submit a report semi-annually stating no excess emissions occurred.

(9 VAC 5-50-410 and 40 CFR 60.49b(h))

3. The permittee shall furnish written reports to the Director, Piedmont Region of excess emissions from any process monitored by a continuous monitoring system (COMS/CEMS) on a quarterly basis, postmarked no later than the 30th day following the end of the calendar quarter. These reports shall include, but are not limited to the following information:

- a. The magnitude of excess emissions, any conversion factors used in the calculation of excess emissions, and the date and time of commencement and completion of each period of excess emissions;
- b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the process, the nature and cause of the malfunction (if known), the corrective action taken or preventative measures adopted;
- c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
- d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in that report.

(9 VAC 5-50-50 and Condition 28 of 7/30/2002 permit)

4. The permittee shall notify the Director, Piedmont Region of the following:

- a. The date of commencement of each FGR and methane reburn retrofit project for each Foster Wheeler boiler (units 1A, 1B, 1C, 2A, 2B, and 2C) postmarked no later than 30 days after such date;
- b. The anticipated date of initial startup of each Foster Wheeler boiler retrofitted with FGR and methane reburn postmarked not more than 60 days nor less than 30 days prior to such date; and
- c. The actual date of startup of each Foster Wheeler boiler retrofitted with FGR and methane reburn retrofit postmarked within 15 days after such date.

(9 VAC 5-50-50 A and Condition 33 of the 7/30/02 permit)

IV. Process Equipment Requirements – (Unit Reference Numbers 1-2A, 1-2B, 1-2C, 2-2A, 2-2B, 2-2C, FS3, 1-3, 2-3)

A. Limitations

1. Particulate emissions from the unloading hopper, stack out discharge, and live pile shall be controlled by a wet suppression system. The water spray shall be applied as often as need to prevent fugitive emissions.
(9 VAC 5-50-260 and Condition 4 of 7/30/02 permit)
2. Particulate emissions from each ash silo vent shall be controlled by a bag filter. The bag filter shall be provided with adequate access for inspection.
(9 VAC 5-50-260 and Condition 5 of 7/30/02 permit)
3. Particulate emissions from the two ash handling systems shall be controlled by a primary multicyclone followed by a bag filter. The bag filter and the multicyclone shall be provided with adequate access for inspection.
(9 VAC 5-50-260 and Condition 6 of 7/30/02 permit)
4. Particulate emissions from the six solid fuel bunkers shall be controlled by fabric filters. Each fabric filter shall be provided with adequate access for inspection.
(9 VAC 5-50-260 and Condition 7 of 7/30/02 permit)
5. The wet dust suppression system shall be operated and maintained properly at all times.
(9 VAC 5-50-260 and Condition 8 of 7/30/02 permit)
6. Emissions from 1-2A, 1-2B, 1-2C, 2-2A, 2-2B, 2-2C (solid fuel storage bunkers); Unit 1 Ash system; Unit 2 Ash system; and FS3 (solid fuel unloading and stock out) shall be controlled by proper operation and maintenance of required control equipment listed in Conditions IV.A.1-4. The permittee shall have available written operating procedures for the related air pollution control equipment. Operators shall be trained in the proper operation of all such equipment and shall be familiar with the written operating procedures. These procedures shall be based on the manufacturer's recommendations, at minimum.
(9 VAC 5-170-160 and 9 VAC 5-80-110 B.1.)
7. The solid fuel handling equipment (FS3, 1-2A, 1-2B, 1-2C, 2-2A, 2-2B, and 2-2C); Unit 1 ash system (1-3); and Unit 2 ash system (2-3) shall not exhibit opacity greater than 20% (6 minute average) except for one 6 minute period per hour of not more than 30% opacity.
(9 VAC 5-50-80)
8. Particulate emissions from each of the operations of the solid fuel bunkers, ash silos, and solid fuel unloading and stock out shall not exceed the limits specified below:

Table IV.A.1 Particulate Emission Limitations for Ancillary Equipment			
Equipment	Hourly Limitation	Annual Limitation	Applicable Requirement
1-2A Solid Fuel Bunker	0.06 lbs/hr	0.05 tons/year for 6 units combined	9 VAC 5-50-260 Condition 17 of 7/30/2002 permit
1-2B Solid Fuel Bunker	0.06 lbs/hr		9 VAC 5-50-260 Condition 17 of 7/30/2002 permit
1-2C Solid Fuel Bunker	0.06 lbs/hr		9 VAC 5-50-260 Condition 17 of 7/30/2002 permit
2-2A Solid Fuel Bunker	0.06 lbs/hr		9 VAC 5-50-260 Condition 17 of 7/30/2002 permit
2-2B Solid Fuel Bunker	0.06 lbs/hr		9 VAC 5-50-260 Condition 17 of 7/30/2002 permit
2-2C Solid Fuel Bunker	0.06 lbs/hr		9 VAC 5-50-260 Condition 17 of 7/30/2002 permit
1-3 Ash storage silo	0.06 lbs/hr	0.16 tons/year	9 VAC 5-50-260 Condition 18 of 7/30/2002 permit
2-3 Ash storage silo	0.06 lbs/hr	0.16 tons/year	9 VAC 5-50-260 Condition 18 of 7/30/2002 permit
FS3 Solid Fuel unloading and stock out	0.322 lbs/hr	0.71 tons/year	9 VAC 5-50-260 Condition 19 of 7/30/2002 permit

(9 VAC 5-50-260 and Conditions 17, 18, and 19 of 7/30/02 Permit)

B. Monitoring

- Each coal bunker exhaust (1-2A, 1-2B, 1-2C, 2-2A, 2-2B, and 2-2C), each ash handling system exhaust (1-3 and 2-3), and the coal unloading and stock out (FS3) shall be observed visually at least once each calendar month while the equipment is being operated for a brief period of time. The permittee shall determine, during this time, whether or not the exhaust from any of this equipment has any visible emissions. Any monthly observation of equipment that determines the existence of any visible emissions shall be followed up with a 40 CFR 60 Appendix A Method 9 visible emission evaluation unless the visible emission condition is corrected as expeditiously as possible such that there are no visible emissions present and recorded. The cause and corrective measures taken shall also be recorded. Records of the monthly determinations and any Method 9 evaluations performed shall be kept on hand for at least 5 years.

(9 VAC 5-80-110)

- The permittee shall observe visually the exhaust of each wet unloader from the pugmill at least once each calendar month while the equipment is being operated for a brief period of time. The permittee shall determine whether or not the exhaust from the unloader has any visible emissions. Any observation that determines the existence of any visible emissions shall be followed up with a 40 CFR 60 Appendix A Method 9 visible emission evaluation unless the visible emission condition is corrected as expeditiously as possible and recorded. The cause and corrective measures taken shall also be recorded. Records of these determinations and any Method 9 evaluations performed, as well as times when the unloader is operated without the pugmill, shall be kept on hand for at least 5 years.

(9 VAC 5-80-110)

C. Recordkeeping

1. The permittee shall maintain records of all times when the pugmill was not operational or malfunctioning during ash loading operations and of all times when wet suppression was not used during solid fuel handling operations.
(9 VAC 5-80-110, 9 VAC 5-50-260, and 9 VAC 5-50-50)
2. The permittee shall maintain records of monthly visible emission examinations as required by Conditions IV.B.1 and IV.B.2.
(9 VAC 5-80-110)
3. The permittee shall maintain all records required by Conditions IV.C.1 through IV.C.2. The format of these records shall be arranged with the Director, Piedmont Region. All records shall be kept on site for a minimum of five years.
(9 VAC 5-80-110 F)

D. Testing

1. If testing is conducted in addition to the monitoring specified in this permit, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

The following table is only required for those pollutants that have emission limits.

Table IV.D.1 Test Methods		
Pollutant	Test Method	Applicable Requirement
PM/PM ₁₀	40 CFR 60, Appendix A, EPA Methods 5 and 201	40 CFR 60.46b(d)(2)(i)
Opacity (Visible Emissions)	40 CFR 60, Appendix A, EPA Method 9	40 CFR 60.46b(d)(7)

(9 VAC 5-80-110)

V. Facility Wide Conditions

A. Limitations

1. The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.
(9 VAC 5-20-180 I and Condition 37 of 7/30/02 permit)

B. Monitoring

Not applicable.

C. Recordkeeping

1. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment, monitoring devices, and process equipment which affect such emissions:
 - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
 - b. Maintain an inventory of spare parts.
 - c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
 - d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
(9 VAC 5-50-20 E, 9 VAC 5-80-110 B, and Condition 38 of 7/30/02 permit)
2. The permittee shall keep a copy of the New Source Review permit dated 7/30/2002 on the premises of the facility to which it applies.
(9 VAC 5-170-160 and Condition 42 of 7/30/02 permit)

D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing and monitoring upon reasonable notice at any time using appropriate methods. This includes constructing the facility such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and providing stacks or ducts that are free from cyclonic flow. Test ports shall be provided at the appropriate locations.
(9 VAC 5-50-30, 9 VAC 5-80-110, and Condition 31 of 7/30/2002 permit)

E. Reporting

1. The permittee shall submit a quarterly report containing all information listed in Condition III.C.3 for NO_x. In addition, the quarterly report shall contain information concerning

instances when the pressure drop across any baghouse was outside the range described in Condition III.C.4, instances where the pugmill was malfunctioning or was not in use during ash loading, instances where the wet suppression system was malfunctioning or not in use during coal handling operations, instances when the sulfur content of the E-fuel and the sulfur and ash content of the coal exceeded allowable limits, and records of any Method 9 performance tests conducted according to Conditions IV.B.1 and IV.B.2 that show violations of the applicable opacity standard. The minimum information required for these instances are the time, date, location, description, and corrective action taken for each instance. (9 VAC 5-50-410, 9 VAC 5-80-110, and 40 CFR 60.49b(h)(4)(i))

2. The permittee shall ensure that all quarterly reports are postmarked by the 30th day following the end of each calendar month.
(9 VAC 5-50-410 and 40 CFR 60.49b(h)(4)(i))
3. The permittee may submit electronic quarterly reports for NO_x and opacity in lieu of submitting written reports. The format of each quarterly electronic report shall be coordinated with the Director, Piedmont Region. The electronic reports shall be submitted no later than 30 days after the end of the calendar quarter and shall be accompanied by a certification statement, indicating whether compliance with the applicable emission standard and minimum data requirements were achieved during the reporting period. The permittee shall obtain agreement from the Administrator before submitting reports in this alternative format.
(9 VAC 5-50-410 and 40 CFR 60.49b(v)(v))

VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation ¹ (9 VAC _)	Pollutant Emitted (9 VAC 5-80-720 B.)	Rated Capacity (9 VAC 5-80-720 C.)
1-4	Turbine lube oil tank vent	Emissions level 9 VAC 5-80-720 B	VOC	n/a
2-4	Turbine lube oil tank vent	Emissions level 9 VAC 5-80-720 B	VOC	n/a
1-5	Cooling tower	Emissions level 9 VAC 5-80-720 B	PM	n/a
2-5	Cooling tower	Emissions level 9 VAC 5-80-720 B	PM	n/a
6	Diesel fuel storage tank	Emissions level 9 VAC 5-80-720 B	VOC	1,000 gal capacity
SK	Parts cleaner	Named activity 9 VAC 5-80-720 A 24	VOC	35 gals <0.07 tpy
5	Emergency diesel power fire pump	Named activity 9 VAC 5-80-720 A 17	PM, VOC, CO, NO _x , SO ₂	340 bhp
7	Oil/Water separator	Named activity 5-80-720 A 41	VOC	Emergency use only <5.0 tpy

¹The citation criteria for insignificant activities are as follows:
9 VAC 5-80-720 A - Listed Insignificant Activity, Not Required to be Included in Permit Application
9 VAC 5-80-720 B - Insignificant due to emission levels
9 VAC 5-80-720 C - Insignificant due to size or production rate

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

VII. Compliance Plan

Not applicable.

VIII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of Applicability
40 CFR 60.42b	Standard for Sulfur Dioxide	This section of 40 CFR 60 Subpart Db does not apply to the permittee since the construction of the boilers commenced after June 18, 1984, but on or before June 19, 1986.

40 CFR 63, Subpart DDDDD	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters	This Subpart is not applicable since the facility is exempt by 40 CFR 63.7491 (c).
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Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

IX. General Conditions

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the owner submits a timely and complete application for renewal to the Department consistent with the requirements of 9 VAC 5-80-80, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. At a minimum, the permittee shall submit the results of monitoring contained in any applicable requirement to DEQ semiannually. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
 - a. The time period included in the report.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:
 - (1) Exceedance of emissions limitations or operational restrictions;
 - (2) Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - (3) Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
(9 VAC 5-80-110 F)

D. Annual Compliance Certification

Exclusive of any reporting required to assure compliance with the terms and conditions of this

permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. The identification of each term or condition of the permit that is the basis of the certification.
3. The compliance status.
4. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
5. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
6. Such other facts as the permit may require to determine the compliance status of the source.
7. One copy of the annual compliance certification shall be sent to EPA at the following address:
Clean Air Act Title V Compliance Certification (3AP00)
U. S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029.
(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, Piedmont Region within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to General Condition IX.C.3. of this permit.
(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours after the malfunction is discovered, notify the Director, Piedmont Region by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within 14 days of discovery provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Piedmont Region.

1. The emission units that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the 14 day written notification.
2. The emission units subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and the procedures of 9 VAC 5-50-50 C are listed below:
 - a. Boiler 1A
 - b. Boiler 1B
 - c. Boiler 1C
 - d. Boiler 2A
 - e. Boiler 2B
 - f. Boiler 2C
3. Each owner required to install a continuous monitoring system subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable emission standard) to the board for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter and shall include the following information:
 - a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B 6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
 - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.

All malfunctions of emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C require written reports within 14 days of the discovery of the malfunction.
(9 VAC 5-20-180 C, 9 VAC 5-40-50, and 9 VAC 5-50-50)

G. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9 VAC 5-80-110 G.1)

H. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both

and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9 VAC 5-80-110 G.2)

I. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9 VAC 5-80-110 G.3)

J. Permit Modification

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC 5-80-190 and 9 VAC 5-80-260)

K. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

L. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

M. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by **April 15** of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

N. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

O. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20 E)

P. Alternative Operating Scenarios

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80, Article 1.

(9 VAC 5-80-110 J)

Q. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring

compliance with the permit or applicable requirements.
(9 VAC 5-80-110 K.2)

R. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

S. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

T. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.
(9 VAC 5-80-160)
2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)

U. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are

met.

2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
 - e. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof.
 - f. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-190 C and 9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean

Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F. (40 CFR Part 82, Subparts A-F)

Y. Asbestos Requirements

The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150). (9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

Z. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68. (40 CFR Part 68)

AA. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit. (9 VAC 5-80-110 I)

BB. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

X. NO_x Allowance Budget Trading Permit Requirements

A. General Conditions

1. A review of the air emission units included in this permit approval has determined that the equipment listed in the following table meets the definition of a NO_x Budget Unit and is subject to the NO_x Budget emission limitations under 9 VAC 5-140-40, or for opt-in sources 9 VAC 5-140-800. As required by 9 VAC 5-140-200 A for each NO_x Budget source required to have a federally enforceable permit, such permit will include the NO_x Allowance Budget Trading permit to be administered by the permitting authority. This section represents the NO_x Budget Trading permit.
(9 VAC 5-140-40)
2. The NO_x Budget Trading permit will be administrated by the DEQ under the authority of 9 VAC 5 Chapter 80, Part II, Articles 1 and 3 (9 VAC 5-80-50 et seq. and 9 VAC 5-80-360 et seq.), and 9 VAC 5 Chapter 140, Part I (9 VAC 5-140-10 et seq.).
(9 VAC 5-140-10)
3. The following air emission units have been determined to meet the applicability requirements as provided in 9 VAC 5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shutdown can be included in the NO_x Budget Trading program as "opt-in" air emission sources.
(9 VAC 5-140-40 A)

Table X – 1 Facility NO _x Budget Units				
Facility Unit ID	NATS Account ID	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Maximum Generation Capacity (1000 pounds steam per hour)
BLR01A	010377-BLR01A	Foster-Wheeler stoker boiler/1986	200	175
BLR01B	010377-BLR01B	Foster-Wheeler stoker boiler/1986	200	175
BLR01C	010377-BLR01C	Foster-Wheeler stoker boiler/1986	200	175
BLR02A	010377-BLR02A	Foster-Wheeler stoker boiler/1986	200	175
BLR02B	010377-BLR02B	Foster-Wheeler stoker boiler/1986	200	175
BLR02C	010377-BLR02C	Foster-Wheeler stoker boiler/1986	200	175

4. This NO_x Budget Trading permit became effective on May 31, 2004.
(9 VAC 5-140-240.1)

B. Standard Requirements

1. Monitoring requirements.

- a. The owners and operators and, to the extent applicable, the NO_x authorized account representative of each NO_x Budget source and each NO_x Budget unit at the source shall comply with the monitoring requirements of Part I, Article 8 (9 VAC 5-140-700 et seq.).
(9 VAC 5-140-60 B.1)
 - b. The emissions measurements recorded and reported in accordance with (9 VAC 5-140-700 et seq.) (Subpart H of 40 CFR Part 97) shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under paragraphs B.2.a through B.2.h.
(9 VAC 5-140-60 B.2)
2. Nitrogen oxides requirements.
- a. The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under 9 VAC 5-140-540 A, B, E, or F, as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the control period from the unit, as determined in accordance with Part I, Article 8 (9 VAC 5-140-700 et seq.), plus any amount necessary to account for actual utilization under 9 VAC 5-140-420 E for the control period or to account for excess emissions for a prior control period under 9 VAC 5-140-540 D or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status, of a NO_x Budget opt-in unit under 9 VAC 5-140-860 or 9 VAC 5-140-870.
(9 VAC 5-140-60 C.1)
 - b. Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of 9 VAC 5 Chapter 140, Part I, the Clean Air Act, and applicable Virginia Air Pollution law.
(9 VAC 5-140-60 C.2)
 - c. A NO_x Budget unit shall be subject to the requirements under 9 VAC 5-140-60 C.1 starting on the later of May 31, 2004, or the date on which the unit commences operation.
(9 VAC 5-140-60 C.3)
 - d. NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with Part I, Article 5 (9 VAC 5-140-400 et seq.), Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), and Article 9 (9 VAC 5-140-800 et seq.).
(9 VAC 5-140-60 C.4)
 - e. A NO_x allowance shall not be deducted, in order to comply with the requirements under 9 VAC 5-140-60 C.1 for a control period in a year prior to the year for which the NO_x allowance was allocated.
(9 VAC 5-140-60 C.5)
 - f. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under 9 VAC 5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.
(9 VAC 5-140-60 C.6)

- g. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program does not constitute a property right.
(9 VAC 5-140-60 C.7)
 - h. Upon recordation by the administrator under Part I, Article 6 (9 VAC 5-140-500 et seq.), Article 7 (9 VAC 5-140-600 et seq.), or Article 9 (9 VAC 5-140-800 et seq.), every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_x Budget permit of the NO_x Budget unit by operation of law without any further review.
(9 VAC 5-140-60 C.8)
3. Excess emissions requirements.
- a. The owners and operators of a NO_x Budget unit that has excess emissions in any control period shall:
 - (1) Surrender the NO_x allowances required for deduction under 9 VAC 5-140-540 D 1; and
 - (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9 VAC 5-140-540 D 3.
- (9 VAC 5-140-60 D)

C. Recordkeeping and Reporting Requirements

The following requirements concerning recordkeeping and reporting shall apply:

- 1. Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.
(9 VAC 5-140-60 E.1)
 - a. The account certificate of representation for the NO_x authorized account representative for the source and each NO_x Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9 VAC 5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_x authorized account representative.
(9 VAC 5-140-60 E.1)
 - b. All emissions monitoring information, in accordance with Part I, Article 8 (9 VAC 5-140-700 et seq.), provided that to the extent that Part I, Article 8 (9 VAC 5-140-700 et seq.) provides for a three-year period for recordkeeping, the three-year period shall apply.
(9 VAC 5-140-60 E.1)
 - c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Budget Trading Program.
(9 VAC 5-140-60 E.1)

- d. Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-60 E.1)
2. The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program, including those under Part I, Article 4 (9 VAC 5-140-300 et seq.), Article 8 (9 VAC 5-140-700 et seq.), or Article 9 (9 VAC 5-140-800 et seq.).
(9 VAC 5-140-60 E.1)

D. Testing

The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.

(9 VAC 5-50-30 and 9 VAC 5-140-300)

E. Liability

1. Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.
(9 VAC 5-140-60 F.1)
2. Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.
(9 VAC 5-140-60 F.2)
3. No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.
(9 VAC 5-140-60 F.3)
4. Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.
(9 VAC 5-140-100 F.4)
5. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.
(9 VAC 5-140-60 F.5)
6. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Article 8 (9 VAC 5-140-700 et seq.), the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.
(9 VAC 5-140-60 F.6)

F. Effect on Other Authorities.

No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under 9 VAC 5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, the Clean Air Act. (9 VAC 5-140-60 G)

XI. State-Only Enforceable Requirements

Not applicable.